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Paper No. 4

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OFFICE OF PETITIONS

In re Application of :
Bhushan Patwardhan et al : DECISION GRANTING
Application No. 10/074,146 : PETITION
Filed: February 11, 2002 :
Attorney Docket No. 059012/0282083 :

This is a decision on the petition under 37 CFR 1.10(c) filed on March 18, 2002, requesting that the above-identified application be accorded a filing date of February 11, 2001, rather than the presently accorded filing date of January 11, 2002.

Applicants allege that the application was deposited in "Express Mail" service with the U.S. Postal Service, on February 11, 2002. In support, applicants provided a copy of the Express Mail label, receipt no. EL754073610US, showing a Date-In of February 11, 2002. The same Express Mail receipt number was referred to in the copy of the original application transmittal letter submitted with the instant petition. Applicants request that the application be accorded a filing date of February 11, 2002.


The Office considers the date the paper or fee is shown to have been deposited as "Express Mail" to be the "Date In" on the Express Mail label, MPEP 513. That is the date that verifies that the package was actually mailed. In view of the above, the evidence is convincing that the application was deposited as "Express Mail" with the US Postal Service on February 11, 2002.

The petition is granted.

No petition fee is required and none has been charged.

The application is being returned to Initial Patent Examination Division to await applicants' response to the Notice mailed April 10, 2002, and for correction of the filing date to February 11, 2002.

Telephone inquiries specific to this matter should be directed to Wan Laymon at (703) 306-5685.


Sherry Brinkley
Petitions Examiner
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for Patent Examination Policy